



Town of Camden Minutes of the Select Board Meeting

**May 1, 2012
7:00pm**

PRESENT: Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, and Town Manager Finnigan. Also present were members of the press and public.

- 1. Call to Order**
- 2. Citizen Comments**

There were no citizen comments so the Chair opened the floor to Board comments.

Donald White said that as part of the regional effort to start a fixed bus route between Camden and Thomaston, Transit Planner Tom Crikelair, designer of the Acadia Explorer, would be visiting Rockland City Hall on May 8th along with Sue Moreau, a Transit Planner with MDOT. On the 22nd, he said, Dan Burden would be in town to conduct a program called "Making It Happen: A Walkable Downtown that Creates Economic Vitality."

Morgan Laidlaw said that mountain biker Ryan Leech would be appearing on Sunday, May 6th at 2pm at Maine Sport to do trials demonstrations to raise money for the Maine Junior Bike League program at the Snow Bowl.

- 3. Approval of Board Minutes**

John French made a motion to accept the minutes of the April 10, 2012 and April 17, 2012 meetings of the Select Board. The motion was seconded by Donald White. It was approved unanimously.

- 4. Consent Agenda**

The Select Board considered the Consent Agenda:

A. Consideration of requests from the Penobscot Bay Chamber regarding the following events:

- 1) 4th of July community events and permission to stage the fireworks in Camden Harbor (off Curtis Island)**
- 2) HarborArts – Arts & Crafts Show (July 21-22 and September 29-30):**
Permission to close Atlantic Avenue to traffic for the annual HarborArts shows from 2:00 p.m. until 7:00 p.m. each day of the event
- 3) Camden Windjammer Festival - Aug 31-Sept 2:**
Permission to close portions of the Public Landing the weekend of Aug 31-Sept 2 for the

festival and permission to set off fireworks on Friday Aug. 31 during the Windjammer festivities (same firing position off Curtis as on the 4th of July).

- B. Approval of annual request from Chestnut Street Baptist Church to use the Village Green** for game time for Summer Kids Club on Sundays from June 25 until August 26 between 9:30 a.m. until noon. (No food will be served. It will be open to the public)
- C. Approval of renewal license agreement with Maine Media Workshops, Inc.** for filming on public ways and town properties.
- D. Approval of application of Jonathan Elwell of Rockland for a taxicab operator's license driving for Schooner Bay Taxi**

Morgan Laidlaw made a motion to approve the Consent Agenda as presented. Donald White seconded the motion. It was approved unanimously.

5. Communications, Presentations, and Recognitions

A. Mid-Coast Mountain Bike Association

John Anders of Rockport, President of the Mid-Coast Mountain Bike Association, presented information about his organization and updated the Board on recent trail development at the Snow Bowl. He noted that the Downtown Master Plan had identified mountain biking at the Snow Bowl as an opportunity for economic development in the area. Anders said that trail design and technology have developed to a point where trails can accommodate users of all abilities, and as a result ski areas all over the world are now capitalizing on mountain biking for revenue during the off-season. The sport attracts the same family involvement as skiing, he said: young, old, male and female riders.

Anders said that his organization was formed in 2008, and that since then, members have contributed around \$80,000 in volunteer time building and maintaining trails within the Ragged Mountain Preserve. At this point the local volunteer resource is at capacity, he told the Board. The local mountain biking club is now looking at becoming a non-profit organization with a full-time employee position to work on linking trails in surrounding communities and to attract bikers to the area.

At this time, Anders said, there are about 30 members of the club plus more who volunteer regularly to build and maintain trails. Martin Cates asked about the Kingdom Trail concept, and whether or not that would be an appropriate model for us here in Camden. Anders agreed that this model makes the most sense for us to follow and he gave details on how that model has been structured.

Jim Heard asked about erosion issues and the impact of trails on the environment. Anders said that any use of a trail, whether it's hiking, biking or skiing, is going to make an impact. However, if a trail is built right, he explained, the impact is minimized. Since 2008 members of the local mountain bike club have been attending professional training schools in order to become trained in how to build sustainable, erosion-resistant trails.

Don White asked about what the next steps would be to make more people aware that we have mountain biking available in our area. Anders said that increasing awareness and

raising funds to generate visibility are primary reasons why they are looking into creating a non-profit.

Morgan Laidlaw noted that pursuing the Kingdom Trails concept is one of the Select Board's goals for this year. Anders said that like his organization, Kingdom Trails started small and now has the resources to promote the sport.

John French asked what role they would like the community to play. Anders said he is hoping for general support from the Select Board for establishing a non-profit organization. Martin Cates suggested that Anders attend Camden Parks and Recreation Committee meetings, as the committee would embrace this activity and would be a logical place to get involved. He told Anders that the Select Board is excited to move the discussion forward.

Morgan Laidlaw said that as someone who uses the trails, he feels the work of the Mid-Coast Mountain Bike Association is admirable and thanked Anders for his dedication and hard work.

B. Tree City USA

Town Manager Finnigan informed the Board that Camden had been approved once again as a Tree City and that there will be a ceremony to recognize this in Portland on May 22nd.

6. Select Board Member Reports

Martin Cates advised those present that at a recent meeting between staff, Select Board and Planning Board members, it had been decided to slow down the approach to the Comprehensive Plan. He said that the Select Board's goals will be considered, along with ways in which the Downtown Master Plan will factor into the Plan. Cates noted that all committees will remain involved. He said that the next step will be for the Planning Board to prioritize the work items that they feel are most needed, along with input from Pat Finnigan and Steve Wilson, and that they are looking at a fall timeframe to report back on the project.

Donald White told the Board that he had attended a meeting of the Cemetery Association on April 18th where a site walk had been held at Oak Hill Cemetery. He reported that new pillars are being constructed on the south side and that stakes for eleven trees that are to be planted have been placed on the new north side of the cemetery. The group had discussed revising bylaws to allow upright gravestones at Oak Hill North, and the Town Manager had agreed to develop a survey to address this topic, he said.

White had also attended a meeting of the Planning Board on April 19th and reported that the board had heard from two businesses, Steve Laite's Garage and John French's garage, on the topic of Non-Conforming Expansions. Following a discussion, CEO Steve Wilson had said that he would review the present zoning ordinances and bring his recommendations to a future meeting.

White said that the Gateway One group had met on April 26th and had reviewed the regional project inventory list. Also at the meeting, Jeff Kobrock and Roger Moody of MCEDD had made a presentation on the Mobilize Maine program which is an economic development initiative to itemize programs and priorities throughout the state.

Lastly, White said that the Sign Work Group of the Planning Board had met on May 1st. He said that the group now has a budget of \$2,976 for signs that will be going up in the near future, and that the Downtown Business Group is working on selling spots that will go on the sign at the head of Bay View Street. At the meeting there was also a discussion about the sign ordinance review, and White added that there is some consideration by the group of allowing vertical signage, flags and chalkboard signs.

6. Town Manager Report

Town Manager Finnigan followed up on Don White's report on the Cemetery Association by noting that the reason that new trees can be planted at the Oak Hill Cemetery is because Brian Hodges had been successful in applying for a Project Canopy grant and thanked Hodges for his work on the project.

The Town Manager told that Board that she had spoken to Camden Rotary that afternoon and topics of particular interest to the club had been the mountain bike trails at Ragged Mountain, as well as a discussion of the Select Board's goals. She had received positive feedback from club members regarding the direction in which the Select Board is heading.

Next the Town Manager made note of the fact that four of our volunteer firefighters had successfully completed their Firefighter 1 and 2 training. She said that the full day of training was very rigorous and that all four firefighters had passed the test.

Lastly, Pat Finnigan said that there had been a steady stream of citizens coming in to the Town Office to pay their taxes and that the Town was at a 90% collection rate, which meant that things were on track.

7. Old Business

There was no Old Business.

8. New Business

A. Public Hearing regarding application of Ryan & Alyson Flemming, d/b/a Fromviandoux (new establishment) at 20 Washington Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License.

Chairperson Cates read the procedures for a Public Hearing.

Ryan Flemming of Fromviandoux told the Board that all of their paperwork had been filed and that the health inspector had visited their new restaurant.

Donald White made a motion to approve the application of Ryan & Alyson Flemming, d/b/a Fromviandoux (new establishment) at 20 Washington Street for a Class I Restaurant Malt, Spirituous, and Vinous Liquor License. Morgan Laidlaw seconded the motion. It was approved unanimously.

B. Approval of renewal of the Windjammer License Agreements, for a 1 year period, for the following:

- 1) Barry King, d/b/a Camden Navigation Company of Camden, for the Schooner *Mary Day*;
- 2) Garth Wells of Camden for the schooner *Lewis R. French*;
- 3) Michael McHenry d/b/a Yankee Packet Company of Camden, for the schooner *Angelique*;
- 4) Raymond and Ann Williamson d/b/a Maine Windjammer Cruises for the schooners *Grace Bailey*, *Mercantile*, and *Mistress*.

Morgan Laidlaw made a motion to approve one-year renewal of Windjammer license agreements with Barry King, d/b/a Camden Navigation Company of Camden, for the Schooner Mary Day; Garth Wells of Camden for the schooner Lewis R. French; Michael McHenry d/b/a Yankee Packet Company of Camden, for the schooner Angelique; and Raymond and Ann Williamson d/b/a Maine Windjammer Cruises for the schooners Grace Bailey, Mercantile, and Mistress. The motion was seconded by John French.

There were no Public Comments.

John French amended the motion to include that the Town Manager would review the license fees and report back with any proposed changes. The amended motion was seconded by Morgan Laidlaw.

Martin Cates asked the Town Manager about the timeframe for submitting recommendations regarding the Harbor Fees. She said she would propose any changes before November. She explained that the difference with this license agreement is that it is for a one-year term, while for the past six years, three-year agreements had been in place. This agreement, she said, holds the windjammer fees where they currently are with no increase. Because there had been no increase in other harbor fees, the effort is being made to treat all users of the harbor equitably. All the fees will be looked at as a whole, she said.

Martin Cates asked about the history of how rates had been set within the three-year agreements. John French said that a cost-of-living increase had been built into the three-year agreements. Pat Finnigan said that a ceiling of 3% on increases had been incorporated in the agreements in the past, adding that this issue had been discussed by the Harbor Committee. While the three-year term had offered some predictability to the windjammer operators, she said that there is currently interest in going back to the one-year agreements.

Barry King who operates the Schooner *Mary Day* spoke to the board about the annual increases that had been imposed on windjammer operators in the harbor. He noted that fishermen are also commercial users of the harbor, yet they had not had the same type of built-in increases in their fees. King said that if harbor fees don't need to be raised, then the automatic 3% increase should not be built into the leases, and this way all the commercial users of the harbor would be treated in a similar way.

There was some discussion about the benefits of three-year vs. one-year agreements. John French said that the built-in fees had been put in place to provide funds for maintenance. Harbor improvements including maintenance of the docks were discussed, and John French noted current projects such as dredging and the new floats that are going in at the public landing.

Ray Williamson, owner of Maine Windjammer Cruises and member of the Camden Harbor Committee, spoke to the Board and said that prior to the 3-year agreements, the windjammer fees had been a line item in the Harbor budget. He also noted that the schooners did not place the kind of burden on the docks that large motor vessels do when they tie up to the docks.

John French recapped the work that had been done to improve the harbor and said that the docks will be much safer for windjammer passengers, adding that everyone shares in the harbor system.

The amended motion to approve the one-year renewal of Windjammer license agreements was unanimously approved.

C. Authorize the Town Manager to enter into an Agreement with GEI Consultants to perform the Sixth Independent Consultants Safety Inspection of Seabright Hydroelectric Project Dam.

Ross Parker told the Board that a letter had been received from the Federal Regulatory Commission notifying the Town that the Seabright Dam was due for a Part 12 inspection this summer. The purpose of the inspection will be to confirm the structural integrity of the dam. Parker had collected bids for performing the inspection work and recommended that the Town hire GEI Consultants for the project.

James Heard asked about how much power could be generated in a year when all turbines are running. Parker answered that it is possible to generate \$25,000 to \$30,000 worth of power, although this year has turned out to be dry so far.

Donald White made a motion to authorize the Town Manager to enter into a contract with GEI, Inc of Portland, Maine in the amount of \$12,500 to perform the Seabright Dam inspection. The motion was seconded by James Heard. It was unanimously approved.

Pat Finnigan noted that Ross Parker does a great job of managing the dam and thanked him for his hard work.

D. Authorize the Town Manager to submit requests for Maine Department of Transportation grants to provide partial funding for Camden Harbor Improvements, Downtown Revitalization, and Elm Street Sidewalk Extension

Brian Hodges, Development Director for the Town of Camden, presented information on three grant opportunities for consideration by the Board. The first was an opportunity recently announced by MDOT through the Small Harbor Improvement Program (SHIP). Hodges told the Board that the goals of this program were to promote economic development, improve public marine infrastructure, and improve public access. He noted that applying for the grant would be a two-step process, with a letter of intent due May 11, 2012, and the full grant application due on June 29th. Three elements had been identified to constitute a Camden Harbor Revitalization project, he said: replacement of 30 pilings, replacement of small boat harbor docks, and replacement of a gangway. The required cash match of \$20,940 was available in the Harbor capital reserve fund, Hodges told the Board.

Chairperson Cates asked whether the Board wanted to treat the three grant items together

or separately. The Board decided to vote on each of the items separately.

Donald White made a motion to authorize the Town Manager to submit a letter of intent to apply for grant funding through the Maine DOT Small Harbor Improvement Program and commit \$20,940 as the Town's required 20% match. This will be in support of the Camden Harbor Revitalization Project to replace pilings, the small board harbor docks, and a gangway for the new Marina. The motion was seconded by Morgan Laidlaw. It was unanimously approved.

Hodges described a second opportunity, a grant to fund Downtown Revitalization through a Quality Community Program/Transportation Enhancement grant offered through the MDOT. He explained that this funding opportunity is only available every two years. The purpose of this program, he said, is to improve transportation, improve safety, and promote economic development. Hodges proposed that the Town use its completed but not yet accepted Downtown Master Plan as a guide to submit a letter of intent, based on the same timeframe as the SHIP grant. He told the Board that he had identified possible projects to connect the recent Knox Mill parking opportunity with Mechanic and Washington Streets, Main Street and beyond. He said that the Town's 20% match would total \$158,278.

Peter Gross, Chair of CEDAC, presented additional information regarding the Downtown Revitalization grant opportunity. He said that CEDAC had discussed the grant at their recent meeting and felt that it is a wonderful opportunity to try to start some work on the Downtown Master Plan. Gross noted that while the Downtown Master Plan has not been accepted by the Select Board, this step would be to submit a letter of intent and would not be an application at this time. If the Downtown Master Plan were accepted, then the plan would be to apply for the grant by the end of June, with the letter leaving it open as to what the Town would ultimately submit for. Gross said that it is a short window of opportunity and that CEDAC was comfortable with this approach, knowing that there will be time between now and when the proposal would be submitted to decide what the priorities are for moving forward.

Don White asked if part of the proposal would include funding for kiosks and signage. Hodges says this does make provisions for kiosks and signage and also address pedestrian safety. Cates said he felt that this step would provide a placeholder, that it would not obligate the Town to anything, and that a shift would be possible based on the outcome of future events.

John French made a motion to authorize the Town Manager to submit a letter of intent to apply for grant funding for Downtown streetscape and revitalization projects through the Quality Community Program/Transportation Enhancement grant, in the amount of \$473,150. The motion was seconded by Morgan Laidlaw. It was unanimously approved.

The third grant opportunity, Hodges said, would also be through MDOT. This opportunity would fund the construction of a sidewalk extension on Elm Street through a Quality Community Program / Transportation Enhancement grant. The proposed sidewalk, he said, would run from Rockport to Camden, beginning at the Maritime Farms gas station and running up to the top of the hill by Camden Street. A sidewalk in this location would allow safe access into Camden for passengers riding the Concord Trailways buses. The share for Camden would be \$31,656, he explained, which may be less if the Town of Rockport participates as well.

There was some discussion about the intersection where John Street and Conway Road meet Route One, and whether or not a crosswalk with pedestrian controls would be placed near Hannaford's.

John French made a motion to authorize the Town Manager to submit a letter of intent to apply for grant funding for the Elm Street sidewalk extension through the Quality Community Program/Transportation Enhancement grant in the amount of \$126,622. The motion was seconded by Donald White. It was unanimously approved.

E. To Authorize Acceptance of Criminal Forfeiture assets in the case of State of Maine vs. Edward Tosswill.

Pat Finnigan said that the state allows local law enforcement to keep certain assets that are seized in the course of a drug bust. In this case, there were four agencies involved, and the Judge had allocated \$784.15 for the Town of Camden, along with a 1994 Toyota Camry.

Donald White made a motion to accept the Criminal Forfeiture assets seized in the case of State of Maine vs. Edward Tosswill in the amount of \$784.15 and a 1994 Toyota Camry. The motion was seconded by John French. It was unanimously approved.

F. Approval of the 2012 Annual Town Meeting Warrant

Pat Finnigan said that this year we have two openings on the Select Board, two openings on the MSAD #28 and CSD #19 School Board, and one member that needs to be elected to the Personnel Committee. Along with the Town Budget, approval of the Maine Uniform Building and Energy Code will be considered, she said.

John French made a motion to approve the 2012 Annual Town Meeting Warrant. The motion was seconded by James Heard. It was unanimously approved.

G. Appointment of Meg Barclay to fill the unexpired term of Kit Parker on the Historic Resources Committee.

John French made a motion to appoint Meg Barclay to the Historic Resources Committee to fill the unexpired term of Kit Parker, and to send a letter of thanks to Kit for her many years of service to the community. The motion was seconded by James Heard. It was unanimously approved.

H. Camden Parks & Recreation Portable Toilet Bid Award

Pat Finnigan said that Parks and Recreation has to place portable toilets in various locations around the community during the summertime, and that they had received one bid from Handy Portable Toilets in the amount of \$3,168.

James Heard made a motion to award the Portable Toilet bid to Handy Portable Toilets in the amount of \$3,168. The motion was seconded by Donald White. It was unanimously approved.

I. Approval of application of Jesse McWilliams, d/b/a Harbor Dogs at 1 Camden Public Landing for a victualer license.

Morgan Laidlaw made a motion to approve the application of Jesse McWilliams, d/b/a Harbor Dogs at 1 Camden Public Landing for a victualer license. The motion was seconded by Donald White. It was unanimously approved.

9. Select Board Closing Comments

It was noted that the next meeting of the Select Board to be held on May 15th would begin at 6pm.

Adjourn

John French made a motion to adjourn the meeting. Donald White seconded this motion. The motion passed unanimously and the Board adjourned at 8:50pm.

Respectfully submitted,

Karen Brace
Recording Secretary